

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAVID WHITT,)
)
Plaintiff,)
)
v.) **Case No. 4:18-CV-01294-NCC**
)
CITY OF ST. LOUIS, RYAN J.)
LINHORST, MATTHEW T.)
KARNOWSKI, MATTHEW A. SHAW,)
BOBBY D. BAINE, and JOHN DOES 1-3,)
)

Defendants.

ORDER

This matter is before the Court on the Consent Motion for Extension of Time to Answer or Otherwise Plead (“Motion for Extension”) (Doc. 7), filed on behalf of Defendants Ryan J. Linhorst, Matthew T. Karnowski, and Matthew A. Shaw. The City Counselor, currently representing Defendants City of St. Louis and Bobby D. Baine, filed this Motion for Extension. The City Counselor previously entered an appearance on behalf of the City of St. Louis and Bobby D. Baine (Doc. 6). The City Counselor, however, has not entered an appearance on behalf of Defendants Ryan J. Linhorst, Matthew T. Karnowski, and Matthew A. Shaw. The Motion for Extension, moreover, specifically states that the City Counselor has not yet been approved to represent these Defendants (Motion for Extension ¶ 6). While the Court takes note of the City Counselor’s efforts to move forward on this case diligently, since there is no entry of appearance on the docket or the face of this Motion for Extension, the City Counselor does not have actual authority to act on behalf of Defendants Ryan J. Linhorst, Matthew T. Karnowski, and Matthew A. Shaw.

However, in the interests of justice and on this Court’s authority to manage its docket, the Court, on its own initiative and Motion, will grant additional time for Defendants Ryan J. Linhorst,

Matthew T. Karnowski, and Matthew A. Shaw to respond to the Complaint. *See Reasonover v. St. Louis Cty., Mo.*, 447 F.3d 569, 579 (8th Cir. 2006) (noting “District Courts have broad discretion to set filing deadlines . . .”) (citation omitted); *Penn v. Iowa State Bd. of Regents*, 999 F.2d 305, 307 (8th Cir. 1993) (stating, “District courts have the duty and power to manage their dockets and we will not intervene in the absence of an abuse of discretion.”) (citation omitted). The Court will also set a Status Conference to determine the status of the City Counselor’s representation of Defendants Ryan J. Linhorst, Matthew T. Karnowski, and Matthew A. Shaw. *See Fed. R. Civ. P. 16(a)*. In light of the Assistant City Counselor’s representation that she has been in contact with the Chief of Police of the Metropolitan Police Department of St. Louis regarding this case and these specific Defendants, the Court will direct the City Counselor to notify Defendants of the status conference and this Order.

Accordingly,

IT IS HEREBY ORDERED that the Consent Motion for Extension of Time to Answer or Otherwise Plead (Doc. 7) is **DENIED**.

IT IS FURTHER ORDERED that Defendants Ryan J. Linhorst, Matthew T. Karnowski, and Matthew A. Shaw are granted an additional thirty days from the date of this Order to respond to the Complaint (Doc. 1). **Failure to comply with this Order may result in default judgment/the dismissal of this action without prejudice.**

IT IS FINALLY ORDERED that this case is set for a Status Conference on **Wednesday, September 19, 2018**, at **10:30 AM** in the courtroom of the undersigned. **All counsel of record shall appear.** The City Counselor is hereby ordered to notify Defendants Ryan J. Linhorst, Matthew T. Karnowski, and Matthew A. Shaw of their required attendance at the Status Conference by providing them with a copy of this Order. The City Counselor is ordered to file a notice with the Court indicating that he has provided copies of this Order to those Defendants.

Dated this 7th day of September, 2018.

/s/ Noelle C. Collins
NOELLE C. COLLINS
UNITED STATES MAGISTRATE JUDGE